

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **February 8, 2005**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 314 Westover Boulevard**

### RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 314 Westover Boulevard under Section 36-19.5 of the Code of Virginia.

### SUMMARY:

Please see attached information from LRHA including notification to the property owners.

### PRIOR ACTION(S):

NA

### FISCAL IMPACT:

NA

### CONTACT(S):

Edward H. McCann 845-9011

### ATTACHMENT(S):

- Resolution
- Letter from LRHA

### REVIEWED BY: lkp

## RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 314 Westover Boulevard, parcel 030-17-019 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 314 Westover Boulevard; (iv) that the owner of 314 Westover Boulevard was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 314 Westover Boulevard lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 314 Westover Boulevard by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 314 Westover Boulevard;

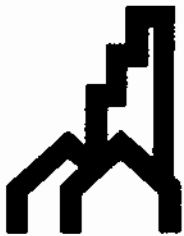
BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 314 Westover Boulevard.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

016P



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN  
Executive Director

January 20, 2005

Mrs. Patricia W. Kost  
Clerk of City Council  
P.O. Box 60  
Lynchburg, Virginia 24505

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted properties located at 314 Westover Boulevard, parcel 030-17-019 and 50 Monroe Street, parcel 009-05-017. The City's Community Development staff has received complaints about these properties, and both have been cited by the city's inspections department for code violations. Both have also been condemned and determined unsafe for human habitation by the inspections department. Our staff has also inspected the properties noting code violations and deficiencies resulting in their blighted condition. Both owners were notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given 60 days to correct the deficiencies. The notice sent by certified mail to the owner of 314 Westover Boulevard was returned, but when staff sent it by regular mail it was not returned to the Authority. Someone signed for the notice sent to the address of the owner of 50 Monroe Street. Staff has observed that some of the shrubbery has been cut at 50 Monroe Street, but no other repairs have been observed at either of the properties. The city's inspections department referred both properties to the Authority in September 2004.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, notices sent to the owners and pictures of the property.

Please let me know if you need further information.

Very truly yours,

enclosures

cc: Bob Drane, Building Official  
Wayne Craig, Senior Building Inspector

**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 314 Westover Boulevard, Parcel 030-17-019, Lynchburg, Virginia pursuant to Code section 36-19.5**

**WHEREAS**, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

**WHEREAS**, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

**WHEREAS**, the Commissioners of the Authority have made a finding that the dwelling unit located at 314 Westover Boulevard, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

**WHEREAS**, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

**WHEREAS**, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

**WHEREAS**, the owner has failed to correct the deteriorated condition of the dwelling unit.

**THEREFORE, BE IT RESOLVED**, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 314 Westover Boulevard, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN  
Executive Director

October 15, 2004

Certified Mail – Return Receipt Requested

Vicki L. Napier  
126 Forrest Street  
Fort Mill, South Carolina 29715

Re: Parcel 030-17-019  
314 Westover Boulevard  
Lynchburg, Virginia

Dear Ms. Napier :

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated, that are likely to continue to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on August 6, 2004, and found the following conditions:

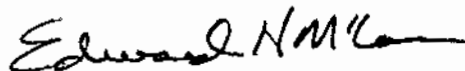
1. Condemned and determined unfit for occupancy by city's inspections department on June 2, 2003.
2. Roof deteriorated.
3. Sections of soffits and fascia deteriorated.
4. Peeling paint on trim of structure.
5. Window boarded.
6. Overgrown shrubs around the structure.
7. Vines growing on structure.
8. Electrical wires hanging from front of structure.
9. Fire damage to left, rear of structure.

Ms. Napier  
October 15, 2004  
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We are requesting that these deficiencies and any other non-compliance with the local building code be corrected within sixty (60) days of receipt of this notice, pursuant to Section 36-19.5 of the Code of Virginia. If these corrections are not completed within that time, the Authority Commissioners may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development and redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavelly of our staff at (434) 845-9011 if you wish to discuss this.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edward N. McLean". The signature is fluid and cursive, with a long horizontal stroke at the end.

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**Property Address: 314 Westover Boulevard**

**Owner's Name: Vicki L. Napier**

**Owner's Address: 126 Forrest Street, Fort Mill, South Carolina 29715**

**Parcel No.: 030-17-019**

**Assessed Value: Land - \$ 8,000    Improvement - \$ 44,000    Total - \$ 52,000**

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**Date of Pictures: January 3, 2005**

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**Deficiencies:**

- **Condemned 6-2-03 by W. Craig**
- **Roof deteriorated**
- **Windows boarded up**
- **Peeling paint on trim**
- **Overgrown shrubs**
- **Sections of soffit and fascia deteriorated**
- **Vines growing on right side of structure**
- **Electric wire hanging down in front of home**
- **Fire damage**

## 314 Westover Boulevard

Date of Pictures: January 6, 2005

